

CITY COUNCIL AGENDA

NOVEMBER 19, 2002

SYNOPSIS

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
GEORGE SHIRAKAWA, JR.
DAVID D. CORTESE
JOHN DIQUISTO
PAT DANDO

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Economic and Neighborhood Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Recreation and Cultural Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Aviation Services*** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas and Staff Reports for City Council items may be viewed on the Internet at www.ci.san-jose.ca.us/cty_clk/agenda.htm

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**

9:30 a.m. - Closed Session, Room 600, City Hall

Absent - Council Members: Shirakawa, Jr. (excused)

1:35 p.m. - Regular Session, Council Chambers, City Hall

Absent - Council Members: None.

7:00 p.m. - Public Hearings, Council Chambers, City Hall

Absent - Council Members: None.

- **Invocation**

Fourth and Fifth Grade students from the Guadalupe School, in the Union School District, provided a poetic recital, under the direction of Principal Alice Lopez. (District 10)

- **Pledge of Allegiance**

Mayor Gonzales led the Pledge of Allegiance.

- **Orders of the Day**

Items 11.2 and 11.8 were continued to 12/3/02 and the Amended Agenda approved.

1 CEREMONIAL ITEMS

- 1.1 Presentation of a proclamation declaring December 1, 2002, as World AIDS Day in San José. (Parks, Recreation and Neighborhood Services/Disability Advisory Commission/LeZotte)**
Mayor Gonzales was joined by Council Member LeZotte to proclaim December 1, 2002 as World AIDS Day in San José. Accepting the proclamation from Mayor Gonzales was Karl Vidt, Chair of the Disability Advisory Commission, who thanked the Mayor and City Council for their support.

1 CEREMONIAL ITEMS

- 1.2 Presentation of two plaques by the Midnight Basketball Program, the first to the Mayor and City Council and the second to PRNS and San José BEST, each for their outstanding support and contributions to Midnight Basketball Program over the past seven years.

(Williams)

Council Members Williams and Cortese joined Mayor Gonzales to accept plaques by the Midnight Basketball Program, one to the Mayor and City Council and one to Department of Parks, Recreation and Neighborhood Services (PRNS) and the San José BEST Program. Presenting on behalf of Midnight Basketball was Jeff Herd and accepting on behalf of PRNS was Director Sara Hensely and accepting for San José BEST was Neil Ruffino.

- 1.3 Presentation of a commendation to the San José/Santa Clara Chapter of Midnight Basketball Program for its commitment to making a difference in the lives of the young people in our community. (Williams)

Joining Mayor Gonzales at the podium, Council Members Williams and Cortese presented a commendation to the San José/Santa Clara Chapter of Midnight Basketball Program to Jeff Herd, Larell Arteaga, Conique Chayrez and Sheyna Ludgood, Rohi Alternative Community Outreach. Jeff Herd accepted the commendation and Larell Arteaga presented testimony of how the program had helped her and thanked the Mayor and City Council for her support.

2 CONSENT CALENDAR

2.1 Approval of Minutes.

Recommendation: Approval of City Council Minutes for:

- (a) Regular meeting of May 14, 2002

Approved.

- (b) Joint Council/Redevelopment Agency Board meeting of May 14, 2002

Approved.

2.2 Final adoption of ordinances.

- (a) ORD. NO. 26744 – Amends Chapter 11.48 of Title 11 of the San José Municipal Code to add a College Park Residential Permit Parking Program.

[Deferred from 10/15/02 – Item 2.2(b) and 10/22/02 – Item 2.2(a)]

Ordinance No. 26744 adopted.

Staff was directed to monitor the program for the remainder of the school year, relative specifically to the school's need for exemptions, and report back to Council with a six-month analysis of the effectiveness of the program.

- (b) ORD. NO. 26769 – Grants a Commercial Solid Waste and Recyclables Collection Franchise to A & A Recycling.

Ordinance No. 26769 adopted.

2 CONSENT CALENDAR

2.3 Approval to award a contract for the Columbus Park Irrigation Renovation Project.

Recommendation: Report on bids and award of contract for the Columbus Park Irrigation Renovation Project to the low bidder, DB Landscape, to include the base bid and Add Alternate No. 1 in the amount of \$116,300, and approval of a contingency in the amount of \$12,000. CEQA: Exempt, PP02-03-034. Council District 3. (Public Works) (Deferred from 11/5/02 – Item 2.7)

Approved -- Staff was directed to review alternative funding opportunities for regional parks such as Columbus Park, and consider the implications of future improvements pursuant to implementation of the Guadalupe River Park and Gardens Master Plan.

2.4 Approval of various fiscal actions for Redevelopment Agency Capital Projects.

Recommendation:

(a) Adoption of the following appropriation ordinance and funding sources resolution amendments in the following funds:

(1) Services for Redevelopment Capital Projects fund:

(a) Establish an appropriation to the Department of Public Works for the Children's Discovery Museum Capital Improvement Project in the amount of \$14,700.

(b) Establish an appropriation to the Department of Transportation for the San Pedro Square Street Tree Lighting Upgrade Project in the amount of \$4,900.

(c) Increase the estimate for Earned Revenue by \$19,600.

(2) Home Investment Partnership Program Fund:

(a) Establish an appropriation to the Department of Housing for the Exterior Grants for the Hensley Historic District Project in the amount of \$1,000,000.

(b) Increase the estimate for Earned Revenue by \$1,000,000.

Ordinance No. 26775 adopted.

Resolution No. 71297 adopted.

(b) Adoption of a resolution making certain determinations regarding the related expenditures of Redevelopment Agency funds on certain public improvements in connection with the Children's Discovery Museum Capital Improvement Project, as more specifically described in the memorandum from the Redevelopment Agency dated September 24, 2002.

Resolution No. 71298 adopted.

(Item continued on next page)

2 CONSENT CALENDAR

2.4 Approval of various fiscal actions for Redevelopment Agency Capital Projects. (Cont'd)

- (c) Adoption of a resolution making certain determinations regarding the related expenditures of Redevelopment Agency funds on certain public improvements in connection with the Thirteenth Street Streetscape Project, the Barberry Lane Sidewalk project, and the Replacement of Play Equipment at Washington Elementary School project, as approved by Council and more specifically described in the memoranda from the Redevelopment Agency that were attached to the October 8, 2002 Council Agenda Item 2.3.

CEQA: Exempt, PP02-10-310. Council District 3. (City Manager's Office)

Resolution No. 71299 adopted.

2.5 Approval of open purchase orders for the purchase of supplies, materials, equipment, and services.

Recommendation: Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2002-2003 14, and authorization for the Director of General Services to execute the purchase orders. CEQA: Not a Project. (General Services)

Approved.

2.6 Approval of determination that public use and necessity require the acquisition of certain properties and directing the filing of eminent domain action.

Recommendation: Adoption of a resolution determining that public use and necessity requires the acquisition of a portion of a certain property owned by Charles Frank Perrotta and the successors to Frank and Virginia Perrotta, Trustees of the Frank and Virginia Perrotta 1988 Family Trust, located at 33 Lewis Road, and directing the filing of eminent domain action. CEQA: Exempt, PP 02-11-322. Council District 7. (Public Works)

Dropped.

2.7 Adoption of a resolution authorizing the City Manager to accept of property from the Santa Clara Valley Water District.

Recommendation: Adoption of a resolution authorizing the City Manager to accept a donation of a 1,319 square foot portion of a property at the northeast corner of King Road and Barberry Lane owned by the Santa Clara Valley Water District. CEQA: Exempt, PP 02-11-323. Council District 8. SNI: West Evergreen. (Public Works)

Resolution No. 71300 adopted.

2 CONSENT CALENDAR

2.8 Approval to award a contract for the Leininger Trailer Installation Project.

Recommendation: Report on bids and award of contract for the Leininger Trailer Installation Project to the low bidder, ESR Construction, in the amount of \$228,100, and approval of a contingency in the amount of \$11,405. CEQA: Exempt, PP02-05-097. (Public Works)

Approved.

2.9 Approval of actions related to telecommunications facility at the San José Municipal Golf Course.

Recommendation: Approval of a five-year property use agreement with one five-year option, with Cingular Wireless, allowing for construction, installation, maintenance, and operation of a telecommunications facility at the San José Municipal Golf Course, and the approval of a Right of Entry/Revenue Sharing agreement with Cingular Wireless and Mike Rawister Golf Shop for the equal sharing of the revenue generated by this installation between the City and Rawitser Golf. CEQA: Exempt, CP02-024. Council District 4. (Public Works)

(Rules Committee referral 11/13/02)

Approved.

END OF CONSENT CALENDAR

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session Mayor Gonzales, Chair

(a) FY 2002-2003 Capital and 2003-2007 CIP Budget session of May 13, 2002

(b) FY 2002-2003 Capital and 2003-2007 CIP Budget session of May 15, 2002

Approved.

3.2 Report of the Rules Committee – November 6, 2002 Vice Mayor Shirakawa, Jr., Chair

(a) Redevelopment Agency items reported out at Redevelopment Agency meeting

(b) City Council

(1) Review November 19, 2002 Draft Agenda

The Committee decided to discuss a request from Council Member Reed under Rules Committee Item G in conjunction with a memo on the same subject from the Mayor and two Council Members. The Committee recommended approval of the November 19, 2002 City Council Agenda.

(2) Add New Items to November 12, 2002 Amended Agenda

The Committee recommended six additions to the November 12, 2002 Council Agenda.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – November 6, 2002 (Cont'd.)

Vice Mayor Shirakawa, Jr., Chair

(c) City Council Committees

(1) Amendments to Council Committee Agendas

(a) Finance and Infrastructure Committee

At the request of Chair Pro Tempore Dando, the Committee recommended an addition to the November 13, 2002 Finance and Infrastructure Committee agenda entitled, *Presentation from the San José Fire Museum*.

(b) Economic Development and Environment Committee
None filed.

(c) Education, Neighborhoods, Youth, and Seniors Committee
None filed.

(d) Meeting Schedules
There were none.

(e) The Public Record
The Committee noted and filed the Public Record.

(f) Boards, Commissions and Committees
There were none.

(g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee
The Committee directed the Administration, City Attorney, Redevelopment Agency, and City Clerk to develop guidelines, timelines, and procedures for the distribution of memos and reports to the City Council, Redevelopment Agency, and standing committees by January 2003.

Discussion/Action: Council referred the memorandum from Council Member Reed dated November 15, 2002—requesting that a requirement for staff reports to be delivered by the Thursday before a City Council meeting be placed on the agenda for December 3, 2002—to the Administration for review and report on December 10, 2002, with the Administration's report on the request by Mayor Gonzales and Council Members Chavez and Cortese dated November 4, 2002, for Staff to develop guidelines, timelines, and procedures for the distribution of memos and reports to the City Council, Redevelopment Agency, and standing committees.

(h) Administrative Reviews and Approval
There were none.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – November 6, 2002 (Cont'd.)

Vice Mayor Shirakawa, Jr., Chair

- (i) Oral communications

None presented.

- (j) Adjournment

The meeting was adjourned at 2:10 p.m.

Rules Committee report and actions of November 6, 2002, accepted, with Staff directed to report back on Item 3.2(g) on December 10, 2002.

3.3 Report of the Finance and Infrastructure Committee

Council Member Dando, Chair

No report.

3.4 Approval of actions related to trail projects.

Recommendation:

- (a) (1) Appoint an ad hoc Council Committee of two or three Council Members to be tasked with meeting with a similar committee from the Santa Clara Valley Water District.
- (2) Direct Administration to seek scheduling a joint meeting with a committee of Board Members from the Santa Clara Valley Water District during the month of October to discuss all policy issues relating to trails that have not been resolved by the two staffs, and come up with joint recommendations for action for the Council and the Board.

[Rules Committee referral 10/9/02 – Item 3.2(h)(1)]

(Deferred from 10/15/02 – Item 3.6 and 10/29/02 – Item 3.4)

Dropped.

- (b) (1) Approve the report on the status of negotiations with the Santa Clara Valley Water District;
- (2) Direct staff to present for approval a list of the proposed Collaborative Action Plan and Agreement (CAP) for the development and operation of joint trail-related projects at its December 3, 2002 Council meeting; and
- (3) Direct staff to continue negotiations with the District to prepare a final agreement to be executed on January 22, 2003 at the annual joint meeting between the City Council and the Water District Board.

CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

[Rules Committee referral 10/9/02 – Item 3.2(h)(1)]

(Deferred from 10/15/02 – Item 3.6 and 10/29/02 – Item 3.4)

Approved.

3 STRATEGIC SUPPORT SERVICES

3.5 Appointment of members to the Joint Council/Water District Ad Hoc Subcommittee on Trails.

Recommendation: Appointment of members to the Joint Council/Water District Ad Hoc Subcommittee on Trails. (Mayor)

(Deferred from 10/15/02 – Item 3.7 and 10/29/02 – Item 3.5)

Dropped.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Economic Development & Environment Committee – November 4, 2002

Council Member Williams, Chair

- (a) First Quarter Redevelopment Housing Report
 - (b) Annual Report on the Parkland Dedication and Park Impact Ordinances
 - (c) Quarterly Report on the Affordable Housing Production
 - (d) Quarterly Status Report on Housing Production Team Action Items
 - (e) Quarterly Report on Housing Rehabilitation Program
 - (f) First Quarter Report on the Housing and Homeless Fund
 - (g) Quarterly Report Detailing Activity in the Housing Department's Rental Dispute Program
 - (h) Workforce Investment Act Program First Quarter Report FY 2002-03
- The Committee accepted Staff Reports for Items (a) through (h)**

- (i) Street Tree Pruning and Replacement Process
The Committee accepted deferral of Staff's report until the December 2, 2002 meeting.

- (j) Oral petitions
Phyllis Ward, Affordable Housing Network, spoke on 4.1(d) regarding granny units.

- (k) Adjournment
The Committee adjourned at 3:25 p.m.

Economic Development & Environment Committee report and actions of November 4, 2002, accepted, and Staff was directed that should a Study Session be scheduled to discuss Park Dedication (PDO) Fees and options as noted in Item 4.1(2) of the Committee Report, that Staff review and report at said Study Session on how the PDO fees can be used to leverage other funding sources, such as Community Development Block Grant or other State funds.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.2 Approval of the proposed update to the City Council Land Use Policy for Wireless Communications Facilities.

Recommendation: Adoption of a resolution approving the proposed update to the City Council Land Use Policy for Wireless Communications Facilities. CEQA: General Plan 2020 Resolution No. 65459. (Planning, Building and Code Enforcement)
[Economic Development and Environment Committee referral 10/7/02 – Item 4.1(c)]
(Deferred from 10/22/02 – Item 4.2 and 11/5/02 – Item 4.3)

Dropped.

4.3 Approval of various actions related to the purchase of property for the development of affordable housing.

Recommendation: Adoption of a resolution:

- (a) Authorizing the Director of Housing to negotiate and execute an agreement for the purchase of a 9.17-acre parcel located on the east side of Flickinger Avenue south of Hostetter Road, for \$17,635,000, from the Berryessa Union School District for the development of affordable housing.
- (b) Authorizing the City Manager to enter into an option agreement with SummerHill Homes for the purchase of a portion of the property for development of a for-sale housing project.
- (c) Findings that the use of redevelopment funds for the purchase of the property is of benefit to the Redevelopment Project Areas in San José.

CEQA: Exempt, PP02-10-314. Council District 4. (Housing)

Dropped.

4.4 Approval of a loan for the development of Cinnabar Commons.

Recommendation: Adoption of a resolution approving a predevelopment loan of up to \$2,404,750 to Cinnabar Commons, a California Limited Partnership, or an affiliated entity, for the development of the 245-unit Cinnabar Commons family rental development located at the westerly side of Stockton Avenue between Cinnabar Street and Lenzen Avenue. CEQA: Resolution No. 71174, PDCSH 01-03-038. Council District 6. (Housing)

Resolution No. 71301 adopted.

Staff was directed to report back to City Council with a relocation plan for existing tenants.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.5 Approval of various actions related to the acquisition and rehabilitation of a six-unit apartment building.

Recommendation: Adoption of a resolution:

- (a) Approving a conditional grant in an amount not to exceed \$382,500 to Housing for Independent People (HIP) for the acquisition, rehabilitation, and permanent financing of a six-unit building located at 1059 Roewill Drive, to be made affordable to extremely low-income households; and
- (b) Finding that the use of 20% Housing Funds for the project is of benefit to the Redevelopment Project Areas in San José.

CEQA: Exempt, PP 02-10-305. Council District 1. SNI: Blackford. (Housing)

Resolution No. 71302 adopted.

4.6 Approval of grants from the Mayor's Homeless Families and Children's Initiative Fund.

Recommendation: Adoption of a resolution approving the following grants from the Mayor's Homeless Families and Children's Initiative Fund and authorizing the Director of Housing to negotiate and execute agreements with the grant recipients:

- (a) Up to \$30,000 to the Homeless Care Force to increase the amount of food gathered, prepared, and served by its program.
- (b) Up to \$9,000 to St. Vincent de Paul Society to increase the amount of hotel/motel vouchers for the Homeless Families Housing Assistance Program.
- (c) Up to \$30,000 to Sacred Heart Community Services to provide rental assistance for the Housing Assistance Program.
- (d) Up to \$25,000 to the Community Technology Alliance/Housing for Independent People to expand the HousingSCC website, an innovative and unique searchable database of subsidized housing in San José and Santa Clara County.
- (e) Up to \$20,000 to Loaves & Fishes Family Kitchen to expand the hours of the Community Resource Specialist and for the purchase of food for its program.
- (f) Up to \$5,000 to the Community Technology Alliance to expand the HelpSCC website, an innovative and unique searchable database of all the health and human services in Santa Clara and Santa Cruz Counties.
- (g) Up to \$20,000 to the Next Door Solutions to Domestic Violence for personnel for its Shelter Next Door.
- (h) Up to \$30,000 to Bill Wilson Center for personnel for the downtown Drop-In Center.
- (i) Up to \$31,000 to Concern for the Poor to provide a variety of services for its Moving Home Program.
- (j) Up to \$25,000 to InnVision for personnel to implement a new pilot program to assist 15 homeless families in becoming self-sufficient.
- (k) Up to \$25,000 to Catholic Charities for partial funding to implement a new program designed to assist 15 homeless families in becoming self-sufficient.

(Item continued on next page)

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.6 (Cont'd.)

Recommendation: Adoption of a resolution approving the following grants from the Mayor's Homeless Families and Children's Initiative Fund and authorizing the Director of Housing to negotiate and execute agreements with the grant recipient:

- (l) Up to \$25,000 to the San José Cathedral Foundation to provide assistance to homeless families and children in moving out of homelessness to independent living.
- (m) Up to \$25,000 to Unity Care for personnel for its Transitional Housing Program for homeless young adults aged 18-24.

CEQA: Not a Project. (Housing)

Resolution No. 71303 adopted.

Staff was directed to include in the Housing Departments' pending report on homelessness scheduled for early 2003, the discussions being conducted at the federal level relative to the best strategies and housing programs for addressing the homelessness issue.

4.7 Approval of amendment to purchase agreement for property located at the easterly corner of Floyd and Locust Streets.

Recommendation: Approval of an amendment to the purchase agreement approved by Council on October 8, 2002, to extend the escrow period with Valentino S. Mazzurca for the purchase of property located at the easterly corner of Floyd and Locust Streets in the amount of \$675,000, and authorization for the City Clerk to execute additional documents necessary to complete the transaction. CEQA: Exempt, PP01-04-088.

Council District 3. SNI: Washington. (Public Works)

(Rules Committee referral 11/13/02)

Approved.

5 RECREATION & CULTURAL SERVICES

5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee Council Member Chavez, Chair

No report.

5.2 Approval to continue the discount parking rate program for seniors, veterans, and persons with disabilities at four regional parks.

Recommendation: Approval to continue the discount parking rate program for seniors, veterans, and persons with disabilities at four regional parks for one additional year.

CEQA: Not a project. (Parks, Recreation and Neighborhood Services)

Approved --- Staff directed include in the Staff report when this issue comes back to Council, information on actions at the State and Federal Government levels which could impact this program.

5 RECREATION & CULTURAL SERVICES

5.3 Approval of various actions related to the Mexican Heritage Plaza.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute an amendment to the “Operation and Maintenance Agreement between the City of San José and the Mexican Heritage Corporation for the Mexican Heritage Plaza” granting the Director of Conventions, Arts and Entertainment authority to:

- (a) Make an advance payment equal to \$178,443.75 that comprises five months of operation and maintenance support and a final payment for this fiscal year on January 3, 2003, for two months support in the amount of \$71,377.50;
- (b) Defer for two years the requirement that Mexican Heritage Corporation contribute to a cash flow “Reserve” account, with the obligation commencing June 30, 2002.

CEQA: Not a Project. (Conventions, Arts and Entertainment)

(Rules Committee referral 11/13/02)

Resolution No. 71304 adopted.

6 TRANSPORTATION SERVICES

6.1 Approval of various actions related to Tow Services Agreements.

Recommendation:

- (a) Adoption of a resolution setting fees for Tow Services Agreements effective April 1, 2003;
- (b) Approval of establishment of eight tow zones modified along Police patrol district lines; and,
- (c) Approval of the dispatching of tow requests by Police Communications effective April 1, 2003.

CEQA: Not a Project. (Planning, Building and Code Enforcement)

Deferred to 11/26/02.

7 ENVIRONMENTAL & UTILITY SERVICES

7.1 Report back to Council on the Army Corps of Engineers permitting process.

Recommendation: Report back to Council on the Army Corps of Engineers permitting process.

(Public Works/Parks, Recreation and Neighborhood Services)

(Council referral 10/22/02 – Item 2.10)

Dropped.

7 ENVIRONMENTAL & UTILITY SERVICES

7.2 Approval of various actions related to the Metcalf Energy Center.

Recommendation: Adoption of a resolution:

- (a) Accepting the easements granted by Coyote Valley Research Park, LLC for the construction of an emergency access road, a sanitary sewer pipeline, and a potable water pipeline for Metcalf Energy Center.
- (b) Approving the second amendment to the Cooperation Agreement with Metcalf Energy Center to update the Agreement with respect to the improvements to be constructed within the above easements.

Council District 2. (Public Works)
(Rules Committee referral 11/13/02)

Resolution No. 71305 adopted.

8 AVIATION SERVICES

8.1 Approval of various actions related to the refunding of the Norman Y. Mineta San José International Airport Revenue Bonds.

Recommendation:

- (a) Hold a TEFRA (Tax Equity and Fiscal Responsibility Act) hearing for the issuance of the City of San José Airport Revenue Refunding Bonds, non-AMT Series 2002A in an amount not to exceed \$60,000,000, for the purpose of refunding the City of San José Airport Revenue Bonds, Series of 1992, in the original principal amount of \$82,470,000.

The TEFRA hearing was held and there was no testimony given.

- (b) Adoption of the Thirteenth Supplemental Resolution of the City Council:
 - (1) Authorizing the issuance of City of San José Airport Revenue Refunding Bonds, non-AMT Series 2002A (the “2002A Bonds”) and AMT Series 2002B (the “2002B Bonds”) (collectively, the “2002 Refunding Bonds”) in the not-to-exceed aggregate principal amount of \$110,000,000, to be sold through a negotiated sale.
 - (2) Authorizing and directing the execution of certain financing documents, including the Second Supplemental Trust Agreement and other related documents, authorizing the negotiation of the sale of bonds and the execution of the Bond Purchase Agreement, approving the Preliminary Official Statement, approving certain technical amendments to the Master Trust Agreement, and authorizing and directing certain related actions in connection with the issuance of the 2002 Refunding Bonds.

(Item continued on next page)

8 AVIATION SERVICES

8.1 (Cont'd.)

Recommendation:

(b) Adoption of the Thirteenth Supplemental Resolution of the City Council:
(Cont'd.)

- (3) Authorizing the City Manager to negotiate and execute an agreement with Fullerton & Friar, Inc. and Public Resources Advisory Group for financial advisory services related to the issuance of the 2002 Refunding Bonds in an amount not to exceed \$130,000.
- (4) Authorizing the City Attorney to negotiate and execute an agreement with Orrick, Herrington & Sutcliffe LLP for bond counsel and disclosure counsel services related to the issuance of the 2002 Refunding Bonds in an amount not to exceed \$150,000.

CEQA: Not a Project, PP 02-10-313.

(Finance/Airport)

Resolution No. 71306 adopted.

8.2 Approval of an agreement for the Norman Y. Mineta San José International Airport - Runway 30 Left Reconstruction Project.

Recommendation: Approval of the second amendment to the agreement with Kimley-Horn and Associates, Inc. for the Norman Y. Mineta San José International Airport - Runway 30 Left Reconstruction Project, increasing the compensation by \$1,190,000, from \$4,150,000 to \$5,340,000, and extending the term of the agreement from December 31, 2002 to June 30, 2004. CEQA: Resolution No. 67380, PP 02-10-301. (Public Works)

Approved.

9 PUBLIC SAFETY SERVICES

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

- **Closed Session Report**

City Attorney Doyle disclosed the following Closed Session actions of November 19, 2002:

A. Authority to Enter Litigation Case as *Amicus Curiae*:

1. Case Name: City of Long Beach v. State of California Department of Industrial Relations.
 Adverse party or parties: State of California
 Substance of litigation: The Issue is whether the State prevailing wage requirements applies to a project of the City of Long Beach which is a Charter City.
 Council Vote: Ayes: Campos, Chavez, Cortese, Dando, LeZotte, Reed, Yeager, Williams; Gonzales.
 Noes: None.
 Absent: Diquisto, Shirakawa, Jr.
 Abstain: None.

- **Notice of City Engineer's Pending Decision on Final Maps**

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/ Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9447	E/s of Narvaez Ave., 190 feet n/o Amanda Drive	10	DKB Homes Diversified	5 lots	SFDR	Approve
9456	S/s of Foxworthy Ave at Robino Drive	9	SummerHill Homes	83 units	Detached Townhomes	Approve

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:
None.

- Open Forum—Heard jointly with Redevelopment Agency Public Discussion. Following Open Forum, Council recessed until 7:00 p.m.
 - (1) Barbara Woods commented on development impacts on Branham Lane.
 - (2) Marc Boyd spoke about traffic and other impacts from density.
 - (3) Walter Phillips spoke in opposition to the proposed City Hall project.
 - (4) William Garbett commented on taxation issues.
 - (5) Pete Campbell expressed opposition to the new City Hall project.

11 PUBLIC HEARINGS

(Heard by the City Council at 7:00 p.m.)

11.1 Public Hearing on approval of a single family house permit.

Recommendation: PUBLIC HEARING ON APPROVAL OF A SINGLE FAMILY HOUSE PERMIT to construct a 1,602 first and second floor addition to an existing single-family residence resulting in a maximum height of greater than 30 feet (32.5) on a 0.17 gross acre site located at 619 Chapman Street in the R-1-8 Residential Zoning District. (James and Caroline Owens, Owner/Developer). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend denial (6-1-0).

SF 02-031 - District 6

(Continued from 11/5/02 – Item 11.1)

Resolution No. 71307 was adopted.

The recommendation of the Planning Director and Planning Commission was upheld and the requested rezoning was denied.

11.2 Public Hearing on planned development rezoning at North First Street and East Gish Road.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the northeast corner of North First Street and East Gish Road, from CN Commercial Neighborhood Zoning District to PD Planned Development Zoning District, to allow a mixed use development of 3,230 square feet of ground floor commercial use and 22 multi-family attached residential units on 0.5 gross acre. (The Southland Corporation, Owner; BEC, Inc., Developer). CEQA: Negative Declaration. Director of Planning, Building, and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC 02-014 - District 3

(Continued from 6/18/02 – Item 11.13 et al., et al., and 10/29/02 – Item 4.2)

Continued to 12/3/02.

11.3 Public Hearing on planned development rezoning at Russo Drive and Cherryview Lane.

PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southeast corner of Russo Drive and Cherryview Lane, from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow up to 126 senior housing units and 24 single family courthome units on 4.18 gross acres. (John E. Giacomazzi, Owner; Roem Development c/o Anthony Ho, Developer). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDCSH 02-032 - District 9

(Continued from 10/15/02 – Item 11.4 and 11/5/02 – Item 11.2)

Ordinance No. 26776 passed for publication.

11 PUBLIC HEARINGS

11.4 Public Hearing on planned development rezoning at Payne and Southwood Avenues.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southeast corner of Payne Avenue and Southwood Avenue, from R-1-5 Residence Zoning District to A(PD) Planned Development Zoning District, to allow up to 15 single family detached residential units on 1.5 gross acres. (Columbo Trust, Owner; Riding Group, Developer). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC 02-054 - District 1

(Continued from 11/5/02 – Item 11.3)

Ordinance No. 26777 passed for publication.

11.5 Public Hearing on planned development rezoning at Hillsdale, Meridian, Foxworthy, and Yucca Avenues.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located on 1) block bounded by Hillsdale, Meridian, Foxworthy, and Yucca Avenues and 2) the area located on the west side of Meridian Avenue opposite Koch Lane (Hacienda Gardens Shopping Centers), from CP Commercial to A(PD) Planned Development Zoning District, to allow up to 179,000 square feet of retail commercial uses and up to 299 multi-family attached residential units on approximately 20.6 gross acres. (Garrett Bajkovich, Owner, Hacienda Gardens, LLC, Developer). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval with conditions (6-1-0).

PDC 02-053 - District 9

Ordinance No. 26778 passed for publication.

Council approved recommendations in Council Member Diquisto's memorandum dated November 19, 2002, for approval of the recommendation of the Planning Director and Planning Commission, and giving the following direction to Staff:

- (1) The Developer donate \$10,000 for a post-project traffic study, with two conditions: (a) The City of San José be responsible for any and all improvements recommended by the study, and (b) any remaining balance not used for the Traffic Study be returned to the developer;**

(Item continued on next page)

11 PUBLIC HEARINGS

11.5 Public Hearing on planned development rezoning at Hillsdale, Meridian, Foxworthy, and Yucca Avenues. (Cont'd.)

- (2) That the following recommendations of the Neighborhood Action Committee be implemented:
- A 'pork chop' on Koch at Meridian – the City should fund.
 - A 'pork chop' on Lama at Meridian – the City should fund.
 - The City should continue to monitor parking compliance at the subject sites. Overflow parking should be located at the shopping center, not on neighborhood streets.
 - Right turn only restrictions out of the shopping center should be imposed during AM/PM peak hours to prevent accidents on these busy streets.
 - A stop sign exiting the residential portion on the north side of the property at Foxworthy and Yucca.
 - That the commercial and the residential portions of the project be compatible.
 - That a Stoplight NOT be installed at the intersection of Foxworthy and Yucca.

11.6 Public Hearing on planned development rezoning at North White Road.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the east side of North White Road, approximately 670 feet southerly of McKee Road, from R-2 Multiple Residence Zoning District to A(PD) Planned Development Zoning District, to allow 12 single family attached residences on 0.62 gross acres. (T.S. Civil Engineering, Mike Miroyan, and Paul and Mary Santina, Owners; Mike Miroyan, Developer). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC 02-022 - District 5

(Continued from 11/5/02 – Item 11.5)

Ordinance No. 26779 passed for publication.

11.7 Public Hearing on conforming rezoning at Umbarger Road and Aiello Drive.

Recommendation: PUBLIC HEARING ON CONFORMING REZONING of the property located at the south side of Umbarger Road, approximately 100 feet easterly of Aiello Drive, from IP Industrial Park Zoning District to LI Light Industrial Zoning District, to allow light industrial uses on 2.5 gross acres. (Augustine Machado, Owner/Developer). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C 02-055 - District 7

(Continued from 11/5/02 – Item 11.6)

Ordinance No. 26780 passed for publication.

11 PUBLIC HEARINGS

11.8 Public Hearing on conforming rezoning at South First Street and East Virginia Street.

Recommendation: PUBLIC HEARING ON CONFORMING REZONING of the property located at the east side of South First Street approximately 210 feet north of East Virginia Street, from A(PD) Planned Development Zoning District and LI Light Industrial Districts to CN Neighborhood Commercial District to allow commercial uses on 0.59 gross acres. (Vasanti and Viren Patel, Owner/Developer). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C 02-070 - District 3

(Continued from 11/5/02 – Item 11.7)

Continued to 12/3/02.

11.9 Public Hearing on planned development rezoning at Monterey Highway and Branham Lane.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the northeasterly corner of Monterey Highway and Branham Lane, from R-1-8 (CL) Residence Zoning District to A(PD) Planned Development Zoning District, to allow the construction of up to 175 affordable, attached residential units and associated improvements on 5.05 gross acres. (City of San José, Owner; JSM Enterprises, Inc., Developer). CEQA: Draft Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC 02-033 - District 2

Council approved Council Member Williams' memorandum dated November 19, 2002, recommending approval of the requested rezoning. Ordinance No. 26781 passed for publication.

- Open Forum
None.

- Adjournment
The Council of the City of San José adjourned at 7:54 p.m.